

104TH CONGRESS
2D SESSION

S. 1632

To prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 1996

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 Section 921(a) of title 18, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(33) The term ‘crime involving domestic vio-
8 lence’ means a felony or misdemeanor crime of vio-
9 lence, regardless of length, term, or manner of pun-
10 ishment, committed by a current or former spouse,

1 parent, or guardian of the victim, by a person with
 2 whom the victim shares a child in common, by a per-
 3 son who is cohabitating with or has cohabitated with
 4 the victim as a spouse, parent, or guardian, or by
 5 a person similarly situated to a spouse, parent, or
 6 guardian of the victim under the domestic or family
 7 violence laws of the jurisdiction in which such felony
 8 or misdemeanor was committed.”.

9 **SEC. 2. UNLAWFUL ACTS.**

10 Section 922 of title 18, United States Code, is
 11 amended—

12 (1) in subsection (d)—

13 (A) by striking “or” at the end of para-
 14 graph (7);

15 (B) by striking the period at the end of
 16 paragraph (8) and inserting “; or”; and

17 (C) by inserting after paragraph (8) the
 18 following new paragraph:

19 “(9) is under indictment for, or has been con-
 20 victed in any court of, any crime involving domestic
 21 violence.”; and

22 (2) in subsection (g)—

23 (A) by striking “or” at the end of para-
 24 graph (7);

1 (B) in paragraph (8), by striking the
2 comma and inserting “; or”; and

3 (C) by inserting after paragraph (8) the
4 following new paragraph:

5 “(9) who is under indictment for, or has been
6 convicted in any court, of any crime involving do-
7 mestic violence,”.

8 **SEC. 3. RULES AND REGULATIONS.**

9 Section 926(a) of title 18, United States Code, is
10 amended—

11 (1) by striking “and” at the end of paragraph
12 (2);

13 (2) by striking the period at the end of para-
14 graph (3) and inserting “; and”; and

15 (3) by inserting after paragraph (3) the follow-
16 ing new paragraph:

17 “(4) regulations providing for the effective re-
18 ceipt and secure storage of firearms relinquished by
19 or seized from persons described in subsection (d)(9)
20 or (g)(9) of section 922.”.

21 **SEC. 4. RESTORATION OF CIVIL RIGHTS AFTER CONVIC-**
22 **TION.**

23 Section 921(a)(20) of title 18, United States Code,
24 is amended by striking the period at the end and inserting
25 the following: “, or such restoration of civil rights occurs

1 following conviction of a crime of domestic violence (as de-
 2 fined in section 921(a)(33)). A conviction of a crime of
 3 domestic violence shall not be considered to be a conviction
 4 for purposes of this chapter if the conviction is reversed
 5 or set aside based on a determination that the conviction
 6 is invalid, or if the person has been pardoned, unless the
 7 authority that grants the pardon expressly states that the
 8 person may not ship, transport, possess, or receive fire-
 9 arms.”.

10 **SEC. 5. ADMINISTRATIVE RELIEF FROM CERTAIN FIREARM**
 11 **PROHIBITIONS.**

12 (a) IN GENERAL.—Section 925(c) of title 18, United
 13 States Code, is amended—

14 (1) in the first undesignated sentence, by in-
 15 serting “(other than a person convicted of a crime
 16 of domestic violence as defined in section
 17 921(a)(33))” before “who is prohibited”; and

18 (2) in the fourth undesignated sentence—

19 (A) by inserting “person (other than a per-
 20 son convicted of a crime of domestic violence as
 21 defined in section 921(a)(33)) who is a” before
 22 “licensed importer”; and

23 (B) by striking “his” and inserting “the
 24 person’s”.

1 (b) APPLICABILITY.—The amendments made by sub-
2 section (a) shall apply to—

3 (1) applications for administrative relief and ac-
4 tions for judicial review that are pending on the date
5 of enactment of this Act; and

6 (2) applications for administrative relief filed,
7 and actions for judicial review brought, after the
8 date of enactment of this Act.

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